
**CITY OF BIG BEAR LAKE CITY COUNCIL
MINUTES FOR REGULAR MEETING
JUNE 14, 2004**

A Regular Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Harris at 5:00 p.m., Monday, June 14, 2004, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

PUBLIC FORUM FOR CLOSED SESSION

None.

At the hour of 5:05 p.m., Council adjourned to Closed Session.

At the hour of 6:30 p.m., Council adjourned to Open Session.

Invocation: Moment of Silence

Flag Salute: Jerry Vantine

Councilmembers Present: Mayor Liz Harris
Mayor Pro Tem Darrell Mulvihill
Councilmember S. O. Conklin
Councilmember Neal Hertzmann

Councilmembers Excused: Councilmember Dally

Others Present: Michael Perry, City Manager
Steve Deitsch, Best Best & Krieger, LLP City Attorney
Katherine E. Jefferies, City Clerk/ACM
Kathleen Smith, Finance Director
Dave Vasquez, Deputy City Manager Administration

RESULTS OF CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6
City Designated Representatives: City Attorney, Fire Administrator, Fire Chief and Deputy City Manager of Administration
Employee Organization: Big Bear Lake Fire Employees

No reportable action.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)

Name of Parties: City of Big Bear Lake v Griffen
Case Number: VCV010794 – San Bernardino Superior Court

No reportable action.

AGENDA APPROVAL

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to approve the Agenda as presented. Motion carried 4-0.

ANNOUNCEMENTS

Upcoming events scheduled for the Performing Arts Center – For ticket information please contact the box office at 866-4970.

C.A.T.S. presents “*The Music Man*” – June 25, 26, 27, 30, July 2 – 5, 7, 9 & 10
Old Miners’ Association presents “*Cowboy Gathering*”- July 16 - 18

PRESENTATIONS

Mayor Harris presented a 5-Year City Employee pin to Jerry Vantine, Public Works Superintendent, and 15-Year pins to DWP employees, Steve Phillips, Utility Tech I, and Russ Vickery, Pump Tech II. Larry Wormsbecker, Utility Tech II, and Steve Wilson, Water Superintendent were not present to accept their pins.

A presentation was given by AQMD Board Member Dennis Yates.

Assistant Fire Chief John Morley gave a presentation on various alternatives for a fire safe community, and an update on the HUFU Program.

Lt. Catalano introduced the new Sheriff’s Service Specialist Staci Johnson.

COMMITTEE REPORTS

The Big Bear Valley Fire Agency Merger Steering Committee Report was presented by Fire Chief Hammond.

The Economic Development Committee Report, regarding the establishment of a community college campus in the Big Bear Valley, was given by Mayor Harris.

PUBLIC FORUM

None.

PUBLIC FORUM RESPONSE

Acting City Engineer Rodriguez gave an overview of the driveway encroachment permit process.

1. CONSENT CALENDAR

Motion by Councilmember Conklin, seconded by Councilmember Hertzmann to approve the Consent Calendar as follows:

1.1 Approval of Demands – Check Issue Date 5/20/04 through 6/9/04 – Check Nos. 22965 through 23180, in the amount of \$302,220.19

Approved.

1.2 Continuance of the Declaration of Local State of Emergency

Continued the Declaration of the Local State of Emergency due to the drought and Bark Beetle infestation.

1.3 Sewer Fees, Refuse Fees, and Sewer Standby Fees

Council consideration of authorizing staff to schedule a public hearing for July 12, 2004, to approve resolutions of intention to levy and collect assessments for the Sewer Fees, Refuse Fees, and Sewer Standby Fees, for fiscal year 2004-2005.

Approved.

1.4 Incorporation of the Fiscal Year 2004-2005 Department of Water & Power Approved Budget into the Fiscal Year 2004-2005 City of Big Bear Lake Budget

Council consideration of a resolution incorporating the DWP approved budget for fiscal year 2004-2005 into the fiscal year 2004-2005 City budget.

Adopted the following resolution, entitled

RESOLUTION NO. 2004-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, INCORPORATING THE DEPARTMENT OF WATER & POWER APPROVED BUDGET FOR FISCAL YEAR 2004-2005 INTO THE FISCAL YEAR 2004-2005 CITY BUDGET

1.5 Mid-Management Salary Range

Council consideration of a resolution adopting the salary range for City of Big Bear Lake Mid-Management.

Adopted the following resolution, entitled:

RESOLUTION NO. 2004-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING THE SALARY RANGE FOR THE CITY OF BIG BEAR LAKE MID-MANAGEMENT POSITIONS

1.6 Approval of the Minutes from the Workshop Meeting of April 14, 2004, the Adjourned Regular Meeting of April 15, 2004, the Joint City Council/Planning Commission Workshop Meeting of April 15, 2004, the Special Meeting of April 15, 2004, the Workshop Meeting of April 26, 2004, the Regular Meeting of April 26, 2004, the Workshop Meeting of May 3, 2004, and the Regular Meeting of May 10, 2004

Approved the Minutes from the Workshop Meeting of April 14, 2004, the Adjourned Regular Meeting of April 15, 2004, the Joint City Council/Planning Commission Workshop Meeting of April 15, 2004, the Special Meeting of April 15, 2004, the Workshop Meeting of April 26, 2004, the Regular Meeting of April 26, 2004, and the Regular Meeting of May 10, 2004 as presented; and approved the Minutes from the Workshop Meeting of May 3, 2004 as amended.

1.7 Acceptance of Easements – Tract No. 16126

Council consideration of accepting the sewer easement and the sidewalk and street light easement for Tract No. 16126 located on the south side of Village Drive, west of Paine Road.

Approved.

1.8 Replacement of Civic Center Roof

Council consideration of authorizing staff to transfer \$37,100.00 from Civic Center reserves to fund the replacement of the Civic Center roof.

Approved.

1.9 Purchase of an HD Industries Pro Patch TCM 415-16 Patch Truck

Council consideration of authorizing staff to transfer \$170,574.00 from equipment reserves for the purchase of a HD Industries Pro Patch TCM 415-16 Patch Truck.

Approved.

The Consent Calendar was approved by the following vote:

AYES: Conklin, Harris, Hertzmann, Mulvihill
NOES: None
ABSENT: Dally
ABSTAIN: Harris on Item 1.6 as she had not attended that meeting

2. ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

3. DISCUSSION/ACTION ITEMS

3.1 Boulder Bay Park Project

Council consideration of rejecting all bids received on June 3, 2004, for the Boulder Bay Park Project, discuss and approve the scope of the park; authorize staff to re-bid the project, and amend the contract with Community Works Design Group.

Motion by Councilmember Hertzmann seconded by Councilmember Conklin to reject all bids received for the construction of the Boulder Bay Park Project; and authorize staff to re-advertise for bids, based on a reduced scope of work as follows:

Eliminate the irrigation system and all of the landscaping. Sleeves are to be placed under hardscaped areas to accommodate a future irrigation system and landscaping, as additional funding sources are determined.

Include site furniture and features such as picnic tables, benches, monument sign, concrete trash receptacles, and bike rack, as contract additives to permit Council to add each feature to the contract, if affordable, when the new bids are received.

Staff to pursue acquisition of the restroom building directly from the manufacturer as an alternative.

Said motion was approved by the following vote:

AYES:	Conklin, Harris, Hertzmann, Mulvihill
NOES:	None
ABSENT:	Dally
ABSTAIN:	None

RECESS

At the hour of 8:35 p.m., Mayor Harris declared a recess. At the hour of 8:38 p.m., Council reconvened.

4. PUBLIC HEARINGS

4.1 Department of Water & Power Standby Charges

Council consideration of introduction and first reading of an ordinance adopting a written report regarding water standby charges for fiscal year 2004-2005, and directing that such charges be collected on the tax roll.

At the hour of 8:44 p.m., Mayor Harris opened the public hearing. Hearing no comment, the public hearing was closed.

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to introduce and waive further reading of an ordinance, entitled:

ORDINANCE NO. 2004-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING A WRITTEN REPORT REGARDING WATER STANDBY CHARGES FOR FISCAL YEAR 2004-05 AND DIRECTING THAT SUCH CHARGES BE COLLECTED ON THE TAX ROLL

Said motion was approved by the following vote:

AYES: Conklin, Harris, Hertzmann, Mulvihill
NOES: None
ABSENT: Dally
ABSTAIN: None

4.2 Amendment to Title 15 of the Big Bear Lake Municipal Code updating the Structural Standards in the 2001 California Building Standards Code

Council consideration of introduction and first reading of an ordinance amending Title 15 of the Big Bear Lake Municipal Code pertaining to updating the Structural Standards in the 2001 California Building Standards Code.

At the hour of 8:46 p.m., Mayor Harris opened the public hearing. Hearing no comment, the public hearing was closed.

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to introduce and waive further reading of an ordinance, entitled:

ORDINANCE NO. 2004-XXX

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING TITLE 15 OF THE BIG BEAR LAKE MUNICIPAL CODE BY ADDING SUBSECTIONS I THROUGH X TO SECTION 15.04.020 PERTAINING TO UPDATING THE STRUCTURAL STANDARDS IN THE 2001 CALIFORNIA BUILDING STANDARDS CODE

Said motion was approved by the following vote:

AYES: Conklin, Harris, Hertzmann, Mulvihill
NOES: None
ABSENT: Dally
ABSTAIN: None

4.3 City of Big Bear Lake Proposed Budget for Fiscal Year 2004-2005

Council consideration of a resolution adopting the City of Big Bear Lake budget for fiscal year 2004-2005.

At the hour of 8:54 p.m., Mayor Harris opened the public hearing. Hearing no comment, the public hearing was closed.

Motion by Councilmember Conklin, seconded by Mayor Pro Tem Mulvihill to adopt the following resolution, entitled:

RESOLUTION NO. 2004-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING THE CITY OF BIG BEAR LAKE APPROVED BUDGET FOR FISCAL YEAR 2004-05

Said motion was approved by the following vote:

AYES: Conklin, Harris, Hertzmann, Mulvihill
NOES: None
ABSENT: Dally
ABSTAIN: None

4.4 Revision of City Service Fees Imposed upon Applicants for Development Projects and other City Services

Council consideration of a resolution revising the City's fees for services by 1.8%, based on the CPI change from January 2003 to January 2004.

At the hour of 9:01 p.m., Mayor Harris opened the public hearing. Hearing no comment, the public hearing was closed.

Motion by Councilmember Hertzmann, seconded by Councilmember Conklin to adopt the following resolution, entitled:

RESOLUTION NO. 2004-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, REVISING THE CITY'S FEES FOR SERVICES BY 1.8%, BASED ON THE CPI CHANGE FROM JANUARY 2003 to JANUARY 2004

Said motion approved by the following vote:

AYES: Conklin, Harris, Hertzmann, Mulvihill
NOES: None
ABSENT: Dally
ABSTAIN: None

At the hour of 9:03 p.m., Council adjourned to the Fire Protection District.

FIRE PROTECTION DISTRICT

Fire Protection District proceedings are contained in separate minutes.

At the hour of 9:09 p.m., the Fire Protection District adjourned to the Improvement Agency.

IMPROVEMENT AGENCY

Improvement Agency proceedings are contained in separate minutes.

At the hour of 9:13 p.m., the Improvement Agency adjourned to Regular Council session.

FUTURE AGENDA ITEMS

None.

CITY MANAGER REPORTS

City Manager Perry reported that the County of San Bernardino has approved a restaurant grading system, which should be implemented within 90 days. He stated that the new system will apply to the unincorporated areas and that if cities within the county want to be part of the system, they will have to take separate action to do so.

City Manager Perry reported that, at the recommendation of Mayor Pro Tem Mulvihill, staff will be looking into displaying American Flags on all City properties during the 4th of July holiday. He stated that the Mayor plans to write a letter to the media encouraging all businesses and private citizens to display flags during the holiday.

Councilmember Hertzmann stated that he would like staff to look into placing American Flags on each of the light posts throughout the Village.

City Manager Perry asked the City Attorney to explain the process regarding tied votes when one member of the Council is absent.

City Attorney Deitsch explained that generally a tie vote means the motion fails. However, for matters requiring findings to be made, then a tie vote would be approved and moves forward by law.

Councilmember Hertzmann asked if the City is required to follow Roberts Rules of Order, and if so, should the Mayor/Chairman of the meeting vote only on issues to break or create a tie vote?

City Attorney Deitsch responded that he believes that the City uses Roberts Rules of Order only as a guide, which means that the Chair would vote on all issues. He further stated that per Section 407 of the City Charter, the affirmative votes of at least three members of the Council are required for the enactment of any ordinance, resolution or order for the payment of money. Emergency ordinances for the preservation of public peace, health, or safety may be introduced and adopted at the same meeting, if it is passed by at least four affirmative votes.

CITY COUNCIL REPORTS

Mayor Pro Tem Mulvihill complimented Assistant Fire Chief on his presentation regarding fire safe alternatives, and suggested that he meet with the Chief Building Official to discuss implementation of the alternatives. City Manager Perry stated that he plans to have Fire, Building & Safety and Community Development form a working group to go through Mr. Morley's list and prepare necessary recommendations to the City Council.

Councilmember Conklin stated that on May 24, 2004, the City Council discussed the fact that when the Development Code was adopted, it caused Ordinance No. 2001-311, which regulates parking of vehicles for sale on public or private property to become ineffective. He stated that staff was directed to prepare an amendment to the Development Code to

include the provisions of Ordinance No. 2001-311, and asked if Code Enforcement could suspend enforcement regarding this issue until the new ordinance is adopted.

City Attorney Deitsch reported that if there is a law on the books, it is enforceable subject to the Council's discretion to direct staff to suspend enforcement until a final decision is made.

City Manager Perry stated that he would bring the matter before the Council for discussion.

ADJOURNMENT:

There being no further business to come before the Council at this session, Mayor Harris adjourned the meeting at 9:30 p.m.

Katherine E. Jefferies
City Clerk

APPROVED AT THE MEETING OF: July 26, 2004